

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

SKYLAR MARTI SCHNIPPEL,

Petitioner,

v.

**CIVIL ACTION NO.: 3:22-CV-115
(GROH)**

FREDERCIK ENTZEL, JR.,

Respondent.

**ORDER GRANTING MOTION TO VOLUNTARILY WITHDRAW
MEMORANDUM ECF NO. 9-1 AND DIRECTING PETITIONER TO
REFILE MEMORANDUM ECF NO. 12 IN COMPLIANCE WITH
THE LOCAL RULES OF PRISONER LITIGATION PROCEDURE**

On July 5, 2022, Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Before the Court are Petitioner's motion [ECF No. 11] to voluntarily withdraw memorandum of law [ECF No. 9-1], and a "second corrected memorandum of law" [ECF No. 12].

Twice previously the Court has issued orders concerning memoranda of law filed by Petitioner. ECF Nos. On August 2, 2022, the Court issued a Notice of Deficient Pleading and Intent to Strike Pleading, which advised Petitioner that his initial memorandum of law (1) exceeded the page limitation without a motion to file excess pages, and (2) did not contain numbered paragraphs which correspond to the numbered paragraphs on the Court-approved form. ECF No. 7. On August 16, 2022, the Court issued an order which advised Petitioner that his 10-page typewritten memorandum of law [ECF No. 9-1] did not contain numbered paragraphs which

correspond to the numbered paragraphs on the Court-approved form, as required by LR PL P 3.4(e). ECF No. 10.

Both the Notice and Order advised Petitioner that the memorandum would be stricken from the docket within thirty days if Petitioner failed to correct the deficiencies. ECF Nos. 7, 10.

On August 18, 2022, Petitioner filed a motion to voluntarily withdraw his corrected memorandum of law [ECF No. 9-1]. ECF No. 11. On that same date Petitioner filed a second corrected memorandum of law. ECF No. 12. The Court has reviewed Petitioner's motion [ECF No. 11], and for good cause shown, it is hereby accordingly

ORDERED that the motion [ECF No. 11] to voluntarily withdraw his corrected memorandum of law [ECF No. 9-1] be **GRANTED**.

However, the Court finds that the second corrected memorandum of law [ECF No. 12] filed by Petitioner **does not comply with the Local Rules of Prisoner Litigation Procedure (LR PL P)**.

LR PL P 3.4(e) provides that "Additional pages shall be printed or typed on standard white 8 ½ by 11 inch-size, lined notebook or legal pad paper. **Only one side of the page shall be used.** Each page shall be numbered consecutively. The printing or typewriting shall be no smaller than the standard elite type **and shall contain numbered paragraphs which correspond to the numbered paragraphs on the Court-approved form.** The typing or printing on each page shall be double spaced. Exhibits submitted for filing shall be on 8 ½ by 11 inch paper." (Emphasis in original). LR PL P 5 provides that "[i]f a pleading received by the Court does not comply with the

requirements of these Rules, it will be stricken from the docket by the Court and returned to the prisoner.” (Underlined emphasis added).

In this case, Petitioner has:

- Attached a 10-page typewritten memorandum of law [ECF No. 12] **which does not contain numbered paragraphs which correspond to the numbered paragraphs on the Court-approved form.** LR PL P 3.4(e).

Accordingly, the Court is giving NOTICE that if the Petitioner fails to re-file the memorandum of law in accordance with the Local Rules of Prisoner Litigation Procedure:

- The memorandum [ECF No. 12] will be stricken from the docket within thirty (30) days from the date of this notice. LR PL P 3.4.

The Clerk of the Court is directed to mail a copy of this Order, and a copy of the Court-approved form for filing a petition for habeas corpus pursuant to § 2241, to the *pro se* Petitioner by certified mail, return receipt requested, to his last known address as reflected on the docket sheet.

Dated: September 1, 2022

/s/ Robert W. Trumble

ROBERT W. TRUMBLE
UNITED STATES MAGISTRATE JUDGE